

Calendar No. 600

105TH CONGRESS
2^D SESSION

H. R. 1659

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 24, 1998

Received; read twice and placed on the calendar

AN ACT

To provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. SHORT TITLE.**

2 This Act may be cited as the “Mount St. Helens Na-
3 tional Volcanic Monument Completion Act”.

4 **SEC. 2. FINDINGS AND PURPOSE.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) The Act entitled “An Act to designate the
7 Mount St. Helens National Volcanic Monument in
8 the State of Washington, and for other purposes”,
9 approved August 26, 1982 (96 Stat. 301; 16 U.S.C.
10 431 note), required the United States to acquire all
11 land and interests in land in the Mount St. Helens
12 National Volcanic Monument.

13 (2) The Act directed the Secretary of Agri-
14 culture to acquire the surface interests and the min-
15 eral and geothermal interests by separate exchanges
16 and expressed the sense of Congress that the ex-
17 changes be completed by November 24, 1982, and
18 August 26, 1983, respectively.

19 (3) The surface interests exchange was con-
20 summated timely, but the exchange of all mineral
21 and geothermal interests has not yet been completed
22 a decade and a half after the enactment of the Act.

23 (b) PURPOSE.—The purpose of this Act is to facili-
24 tate and otherwise provide for the expeditious completion
25 of the previously mandated Federal acquisition of private

1 mineral and geothermal interests within the Mount St.
 2 Helens National Volcanic Monument.

3 **SEC. 3. ACQUISITION OF MINERAL AND GEOTHERMAL IN-**
 4 **TERESTS WITHIN MOUNT ST. HELENS NA-**
 5 **TIONAL VOLCANIC MONUMENT.**

6 Section 3 of the Act entitled “An Act to designate
 7 the Mount St. Helens National Volcanic Monument in the
 8 State of Washington, and for other purposes”, approved
 9 August 26, 1982 (Public Law 97–243; 96 Stat. 302; 16
 10 U.S.C. 431 note), is amended by adding at the end the
 11 following new subsections:

12 “(g) EXCHANGES FOR MINERAL AND GEOTHERMAL
 13 INTERESTS HELD BY CERTAIN COMPANIES.—

14 “(1) DEFINITION OF COMPANY.—In this sub-
 15 section, the term ‘company’ means a company re-
 16 ferred to in subsection (c) or its assigns or succes-
 17 sors.

18 “(2) EXCHANGE REQUIRED.—Within 60 days
 19 after the date of enactment of this subsection, the
 20 Secretary of the Interior shall acquire by exchange
 21 the mineral and geothermal interests in the Monu-
 22 ment of each company.

23 “(3) MONETARY CREDITS.—

24 “(A) ISSUANCE.—In exchange for all min-
 25 eral and geothermal interests acquired by the

1 Secretary of the Interior from each company
2 under paragraph (2), the Secretary of the Inte-
3 rior shall issue to each such company monetary
4 credits with a value of \$2,100,000 that may be
5 used for the payment of—

6 “(i) not more than 50 percent of the
7 bonus or other payments made by success-
8 ful bidders in any sales of mineral, oil, gas,
9 or geothermal leases under the Mineral
10 Leasing Act (30 U.S.C. 181 et seq.), the
11 Outer Continental Shelf Lands Act (43
12 U.S.C. 1331 et seq.), or the Geothermal
13 Steam Act of 1970 (30 U.S.C. 1001 et
14 seq.) in the contiguous 48 States;

15 “(ii) not more than 10 percent of the
16 bonus or other payments made by success-
17 ful bidders in any sales of mineral, oil, gas,
18 or geothermal leases in Alaska under the
19 laws specified in clause (i);

20 “(iii) not more than 50 percent of any
21 royalty, rental, or advance royalty payment
22 made to the United States to maintain any
23 mineral, oil or gas, or geothermal lease in
24 the contiguous 48 States issued under the
25 laws specified in clause (i); or

1 “(iv) not more than 10 percent of any
2 royalty, rental, or advance royalty payment
3 made to the United States to maintain any
4 mineral, oil or gas, or geothermal lease in
5 Alaska issued under the laws specified in
6 clause (i).

7 “(B) VALUE OF CREDITS.—The total cred-
8 its of \$4,200,000 in value issued under sub-
9 paragraph (A) are deemed to equal the fair
10 market value of all mineral and geothermal in-
11 terests to be conveyed by exchange under para-
12 graph (2).

13 “(4) ACCEPTANCE OF CREDITS.—The Secretary
14 of the Interior shall accept credits issued under
15 paragraph (3)(A) in the same manner as cash for
16 the payments described in such paragraph. The use
17 of the credits shall be subject to the laws (including
18 regulations) governing such payments, to the extent
19 the laws are consistent with this subsection.

20 “(5) TREATMENT OF CREDITS FOR DISTRIBUTION TO STATES.—All amounts in the form of cred-
21 its accepted by the Secretary of the Interior under
22 paragraph (4) for the payments described in para-
23 graph (3)(A) shall be considered to be money re-
24 ceived for the purpose of section 35 of the Mineral
25

1 Leasing Act (30 U.S.C. 191) and section 20 of the
2 Geothermal Steam Act of 1970 (30 U.S.C. 1019).

3 “(6) EXCHANGE ACCOUNT.—

4 “(A) ESTABLISHMENT.—Notwithstanding
5 any other provision of law, not later than 30
6 days after the completion of the exchange with
7 a company required by paragraph (2), the Sec-
8 retary of the Interior shall establish an ex-
9 change account for that company for the mone-
10 tary credits issued to that company under para-
11 graph (3). The account for a company shall be
12 established with the Minerals Management
13 Service of the Department of the Interior and
14 have an initial balance of credits equal to
15 \$2,100,000.

16 “(B) USE OF CREDITS.—The credits in a
17 company’s account shall be available to the
18 company for the purposes specified in para-
19 graph (3)(A). The Secretary of the Interior
20 shall adjust the balance of credits in the ac-
21 count to reflect credits accepted by the Sec-
22 retary of the Interior pursuant to paragraph
23 (4).

24 “(C) TRANSFER OR SALE OF CREDITS.—

1 “(i) TRANSFER OR SALE AUTHOR-
2 IZED.—A company may transfer or sell
3 any credits in the company’s account to
4 another person.

5 “(ii) USE OF TRANSFERRED CRED-
6 ITS.—Credits transferred or sold under
7 clause (i) may be used in accordance with
8 this subsection only by a person that is
9 qualified to bid on, or that holds, a min-
10 eral, oil, or gas lease under the Mineral
11 Leasing Act (30 U.S.C. 181 et seq.), the
12 Outer Continental Shelf Lands Act (43
13 U.S.C. 1331 et seq.), or the Geothermal
14 Steam Act of 1970 (30 U.S.C. 1001 et
15 seq.).

16 “(iii) NOTIFICATION.—Within 30 days
17 after the transfer or sale of any credits by
18 a company, that company shall notify the
19 Secretary of the Interior of the transfer or
20 sale. The transfer or sale of any credit
21 shall not be considered valid until the Sec-
22 retary of the Interior has received the noti-
23 fication required under this clause.

24 “(D) TIME LIMIT ON USE OF CREDITS.—

25 On the date that is 5 years after the date on

1 which an account is created under subpara-
2 graph (A) for a company, the Secretary of the
3 Interior shall terminate that company's ac-
4 count. Any credits that originated in the termi-
5 nated account and have not been used as of the
6 termination date, including any credits trans-
7 ferred or sold under subparagraph (C), shall be-
8 come unusable.

9 “(7) TITLE TO INTERESTS.—On the date of the
10 establishment of an exchange account for a company
11 under paragraph (6)(A), title to any mineral and
12 geothermal interests that are held by the company
13 and are to be acquired by the Secretary of the Inte-
14 rior under paragraph (2) shall transfer to the
15 United States.

16 “(h) OTHER MINERAL AND GEOTHERMAL INTER-
17 ESTS.—Within 180 days after the date of the enactment
18 of this subsection, the Secretary shall submit to the Com-
19 mittee on Resources of the House of Representatives and
20 the Committee on Energy and Natural Resources of the
21 Senate a report—

22 “(1) identifying all remaining privately held
23 mineral interests within the boundaries of the Monu-
24 ment referred to in section 1(a); and

1 “(2) setting forth a plan and a timetable by
2 which the Secretary would propose to complete the
3 acquisition of such interests.”.

Passed the House of Representatives September 23,
1998.

Attest:

ROBIN H. CARLE,
Clerk.

Calendar No. 600

105TH CONGRESS
2^D Session

H. R. 1659

AN ACT

To provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 Act that established the Monument, and for other purposes.

SEPTEMBER 24, 1998

Received; read twice and placed on the calendar